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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,888	12/05/2001	Ronald Huner	584.12-US1	5270
34284	7590	06/07/2005	EXAMINER	
ROBERT D. FISH RUTAN & TUCKER LLP 611 ANTON BLVD 14TH FLOOR COSTA MESA, CA 92626-1931			HOFFMANN, JOHN M	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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50601

DATE MAILED:

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Commissioner for Patents

Response to Amendment

The reply filed on 2 May 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): It fails to elect a species. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

As indicated in the action of 4/06/05 Applicant is required to elect between/among the specific esters. Applicant elected an improper group "phosphoric acid esters". Alternatively, it is unclear whether applicant is arguing that the esters are obvious in view of each other because they have a substantially similar structure.

More importantly, it seems that applicant might have been their own lexicographer and defined the elected "phosphoric acid esters" in such a way that includes other compounds that do not have the "substantially similar structure". Thus Applicant has to elect a specific phosphoric acid ester (or any other specific specie of record), admit clearly on the record that every phosphoric acid ester is obvious in view of any other, or provided evidence that every phosphoric acid ester is obvious in view of any other.

*[Signature]*  
6-1-05  
John Hoffmann  
Primary Examiner  
Art Unit: 1731

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